

1 AN ACT concerning taxes.

2 Be it enacted by the People of the State of Illinois,
3 represented in the General Assembly:

4 Section 5. The Motor Fuel Tax Law is amended by changing
5 Section 8 as follows:

6 (35 ILCS 505/8) (from Ch. 120, par. 424)

7 Sec. 8. Except as provided in Sections 8a and 13a.6 and
8 items 13, 14, 15, and 16 of Section 15, all money received by
9 the Department under this Act, including payments made to the
10 Department by member jurisdictions participating in the
11 International Fuel Tax Agreement, shall be deposited in a
12 special fund in the State treasury, to be known as the "Motor
13 Fuel Tax Fund", and shall be used as follows:

14 (a) 2 1/2 cents per gallon of the tax collected on
15 special fuel under paragraph (b) of Section 2 and Section 13a
16 of this Act shall be transferred to the State Construction
17 Account Fund in the State Treasury;

18 (b) \$420,000 shall be transferred each month to the
19 State Boating Act Fund to be used by the Department of
20 Natural Resources for the purposes specified in Article X of
21 the Boat Registration and Safety Act;

22 (c) \$2,250,000 shall be transferred each month to the
23 Grade Crossing Protection Fund to be used as follows: not
24 less than \$6,000,000 each fiscal year shall be used for the
25 construction or reconstruction of rail highway grade
26 separation structures; beginning with fiscal year 1997 and
27 ending in fiscal year 2000, \$1,500,000, beginning with fiscal
28 year 2001 and ending in fiscal year 2003, \$2,250,000, and
29 \$750,000 in fiscal year 2004 and each fiscal year thereafter
30 shall be transferred to the Transportation Regulatory Fund
31 and shall be accounted for as part of the rail carrier

1 portion of such funds and shall be used to pay the cost of
2 administration of the Illinois Commerce Commission's railroad
3 safety program in connection with its duties under subsection
4 (3) of Section 18c-7401 of the Illinois Vehicle Code, with
5 the remainder to be used by the Department of Transportation
6 upon order of the Illinois Commerce Commission, to pay that
7 part of the cost apportioned by such Commission to the State
8 to cover the interest of the public in the use of highways,
9 roads, streets, or pedestrian walkways in the county highway
10 system, township and district road system, or municipal
11 street system as defined in the Illinois Highway Code, as the
12 same may from time to time be amended, for separation of
13 grades, for installation, construction or reconstruction of
14 crossing protection or reconstruction, alteration, relocation
15 including construction or improvement of any existing highway
16 necessary for access to property or improvement of any grade
17 crossing including the necessary highway approaches thereto
18 of any railroad across the highway or public road, or for the
19 installation, construction, reconstruction, or maintenance of
20 a pedestrian walkway over or under a railroad right-of-way,
21 as provided for in and in accordance with Section 18c-7401 of
22 the Illinois Vehicle Code. The Commission shall not order
23 more than \$2,000,000 per year in Grade Crossing Protection
24 Fund moneys for pedestrian walkways. In entering orders for
25 projects for which payments from the Grade Crossing
26 Protection Fund will be made, the Commission shall account
27 for expenditures authorized by the orders on a cash rather
28 than an accrual basis. For purposes of this requirement an
29 "accrual basis" assumes that the total cost of the project is
30 expended in the fiscal year in which the order is entered,
31 while a "cash basis" allocates the cost of the project among
32 fiscal years as expenditures are actually made. To meet the
33 requirements of this subsection, the Illinois Commerce
34 Commission must ~~shall~~ develop annual and 5-year project plans

1 of rail crossing capital improvements that will be paid for
 2 with moneys from the Grade Crossing Protection Fund. The
 3 annual project plan must shall identify projects for the
 4 succeeding fiscal year and the 5-year project plan must shall
 5 identify projects for the 5 directly succeeding fiscal years.
 6 The Commission shall submit the annual and 5-year project
 7 plans for this Fund to the Governor, the President of the
 8 Senate, the Senate Minority Leader, the Speaker of the House
 9 of Representatives, and the Minority Leader of the House of
 10 Representatives on the first Wednesday in April of each year;

11 (d) of the amount remaining after allocations provided
 12 for in subsections (a), (b) and (c), a sufficient amount
 13 shall be reserved to pay all of the following:

14 (1) the costs of the Department of Revenue in
 15 administering this Act;

16 (2) the costs of the Department of Transportation
 17 in performing its duties imposed by the Illinois Highway
 18 Code for supervising the use of motor fuel tax funds
 19 apportioned to municipalities, counties and road
 20 districts;

21 (3) refunds provided for in Section 13 of this Act
 22 and under the terms of the International Fuel Tax
 23 Agreement referenced in Section 14a;

24 (4) from October 1, 1985 until June 30, 1994, the
 25 administration of the Vehicle Emissions Inspection Law,
 26 which amount shall be certified monthly by the
 27 Environmental Protection Agency to the State Comptroller
 28 and shall promptly be transferred by the State
 29 Comptroller and Treasurer from the Motor Fuel Tax Fund to
 30 the Vehicle Inspection Fund, and for the period July 1,
 31 1994 through June 30, 2000, ~~June-30-2006~~, one-twelfth of
 32 \$25,000,000 each month, and for the period July 1, 2000
 33 through June 30, 2006, one-twelfth of \$30,000,000 each
 34 month, for the administration of the Vehicle Emissions

1 Inspection Law of 1995, to be transferred by the State
2 Comptroller and Treasurer from the Motor Fuel Tax Fund
3 into the Vehicle Inspection Fund;

4 (5) amounts ordered paid by the Court of Claims;
5 and

6 (6) payment of motor fuel use taxes due to member
7 jurisdictions under the terms of the International Fuel
8 Tax Agreement. The Department shall certify these
9 amounts to the Comptroller by the 15th day of each month;
10 the Comptroller shall cause orders to be drawn for such
11 amounts, and the Treasurer shall administer those amounts
12 on or before the last day of each month;

13 (e) after allocations for the purposes set forth in
14 subsections (a), (b), (c) and (d), the remaining amount shall
15 be apportioned as follows:

16 (1) Until January 1, 2000, 58.4%, and beginning
17 January 1, 2000, 45.6% shall be deposited as follows:

18 (A) 37% into the State Construction Account
19 Fund, and

20 (B) 63% into the Road Fund, \$1,250,000 of
21 which shall be reserved each month for the
22 Department of Transportation to be used in
23 accordance with the provisions of Sections 6-901
24 through 6-906 of the Illinois Highway Code;

25 (2) Until January 1, 2000, 41.6%, and beginning
26 January 1, 2000, 54.4% shall be transferred to the
27 Department of Transportation to be distributed as
28 follows:

29 (A) 49.10% to the municipalities of the State,

30 (B) 16.74% to the counties of the State having
31 1,000,000 or more inhabitants,

32 (C) 18.27% to the counties of the State having
33 less than 1,000,000 inhabitants,

34 (D) 15.89% to the road districts of the State.

1 As soon as may be after the first day of each month the
2 Department of Transportation shall allot to each municipality
3 its share of the amount apportioned to the several
4 municipalities which shall be in proportion to the population
5 of such municipalities as determined by the last preceding
6 municipal census if conducted by the Federal Government or
7 Federal census. If territory is annexed to any municipality
8 subsequent to the time of the last preceding census the
9 corporate authorities of such municipality may cause a census
10 to be taken of such annexed territory and the population so
11 ascertained for such territory shall be added to the
12 population of the municipality as determined by the last
13 preceding census for the purpose of determining the allotment
14 for that municipality. If the population of any municipality
15 was not determined by the last Federal census preceding any
16 apportionment, the apportionment to such municipality shall
17 be in accordance with any census taken by such municipality.
18 Any municipal census used in accordance with this Section
19 shall be certified to the Department of Transportation by the
20 clerk of such municipality, and the accuracy thereof shall be
21 subject to approval of the Department which may make such
22 corrections as it ascertains to be necessary.

23 As soon as may be after the first day of each month the
24 Department of Transportation shall allot to each county its
25 share of the amount apportioned to the several counties of
26 the State as herein provided. Each allotment to the several
27 counties having less than 1,000,000 inhabitants shall be in
28 proportion to the amount of motor vehicle license fees
29 received from the residents of such counties, respectively,
30 during the preceding calendar year. The Secretary of State
31 shall, on or before April 15 of each year, transmit to the
32 Department of Transportation a full and complete report
33 showing the amount of motor vehicle license fees received
34 from the residents of each county, respectively, during the

1 preceding calendar year. The Department of Transportation
2 shall, each month, use for allotment purposes the last such
3 report received from the Secretary of State.

4 As soon as may be after the first day of each month, the
5 Department of Transportation shall allot to the several
6 counties their share of the amount apportioned for the use of
7 road districts. The allotment shall be apportioned among the
8 several counties in the State in the proportion which the
9 total mileage of township or district roads in the respective
10 counties bears to the total mileage of all township and
11 district roads in the State. Funds allotted to the respective
12 counties for the use of road districts therein shall be
13 allocated to the several road districts in the county in the
14 proportion which the total mileage of such township or
15 district roads in the respective road districts bears to the
16 total mileage of all such township or district roads in the
17 county. After July 1 of any year, no allocation shall be
18 made for any road district unless it levied a tax for road
19 and bridge purposes in an amount which will require the
20 extension of such tax against the taxable property in any
21 such road district at a rate of not less than either .08% of
22 the value thereof, based upon the assessment for the year
23 immediately prior to the year in which such tax was levied
24 and as equalized by the Department of Revenue or, in DuPage
25 County, an amount equal to or greater than \$12,000 per mile
26 of road under the jurisdiction of the road district,
27 whichever is less. If any road district has levied a special
28 tax for road purposes pursuant to Sections 6-601, 6-602 and
29 6-603 of the Illinois Highway Code, and such tax was levied
30 in an amount which would require extension at a rate of not
31 less than .08% of the value of the taxable property thereof,
32 as equalized or assessed by the Department of Revenue, or, in
33 DuPage County, an amount equal to or greater than \$12,000 per
34 mile of road under the jurisdiction of the road district,

1 whichever is less, such levy shall, however, be deemed a
2 proper compliance with this Section and shall qualify such
3 road district for an allotment under this Section. If a
4 township has transferred to the road and bridge fund money
5 which, when added to the amount of any tax levy of the road
6 district would be the equivalent of a tax levy requiring
7 extension at a rate of at least .08%, or, in DuPage County,
8 an amount equal to or greater than \$12,000 per mile of road
9 under the jurisdiction of the road district, whichever is
10 less, such transfer, together with any such tax levy, shall
11 be deemed a proper compliance with this Section and shall
12 qualify the road district for an allotment under this
13 Section.

14 In counties in which a property tax extension limitation
15 is imposed under the Property Tax Extension Limitation Law,
16 road districts may retain their entitlement to a motor fuel
17 tax allotment if, at the time the property tax extension
18 limitation was imposed, the road district was levying a road
19 and bridge tax at a rate sufficient to entitle it to a motor
20 fuel tax allotment and continues to levy the maximum
21 allowable amount after the imposition of the property tax
22 extension limitation. Any road district may in all
23 circumstances retain its entitlement to a motor fuel tax
24 allotment if it levied a road and bridge tax in an amount
25 that will require the extension of the tax against the
26 taxable property in the road district at a rate of not less
27 than 0.08% of the assessed value of the property, based upon
28 the assessment for the year immediately preceding the year in
29 which the tax was levied and as equalized by the Department
30 of Revenue or, in DuPage County, an amount equal to or
31 greater than \$12,000 per mile of road under the jurisdiction
32 of the road district, whichever is less.

33 As used in this Section the term "road district" means
34 any road district, including a county unit road district,

1 provided for by the Illinois Highway Code; and the term
2 "township or district road" means any road in the township
3 and district road system as defined in the Illinois Highway
4 Code. For the purposes of this Section, "road district" also
5 includes park districts, forest preserve districts and
6 conservation districts organized under Illinois law and
7 "township or district road" also includes such roads as are
8 maintained by park districts, forest preserve districts and
9 conservation districts. The Department of Transportation
10 shall determine the mileage of all township and district
11 roads for the purposes of making allotments and allocations
12 of motor fuel tax funds for use in road districts.

13 Payment of motor fuel tax moneys to municipalities and
14 counties shall be made as soon as possible after the
15 allotment is made. The treasurer of the municipality or
16 county may invest these funds until their use is required and
17 the interest earned by these investments shall be limited to
18 the same uses as the principal funds.

19 (Source: P.A. 90-110, eff. 7-14-97; 90-655, eff. 7-30-98;
20 90-659, eff. 1-1-99; 90-691, eff. 1-1-99; 91-37, eff. 7-1-99;
21 91-59, eff. 6-30-99; 91-173, eff. 1-1-00; 91-357, eff.
22 7-29-99; 91-704, eff. 7-1-00; 91-725, eff. 6-2-00; 91-794,
23 eff. 6-9-00; revised 6-28-00.)